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467X-1CA

REMARKS

Claims 23-28, 30-35, and 37-38, and 40-45 are currently pending in the subject application and are presently under consideration. Applicants' representative acknowledges with appreciation the Examiner's indication that independent claims 30, 38, and 43 are allowable. Claims 24, 30, 40, and 41-42 have been amended as shown on pp. 2-6 of the Reply. Claim 30, 41-42, and 44 have been amended herein to correct minor informalities. Applicants' representative notes that the amendments do not necessitate a new search or any undue effort by the Examiner because they do not present new claimed subject matter. Rather, the amendments have been added to clarify certain previously claimed aspects of the subject invention. It is respectfully requested that such amendments be entered as they represent applicants' efforts to further the prosecution of the subject patent application. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 23-24 Under 35 U.S.C. §112

Claims 23-24 stand rejected under 35 U.S.C. §112 for failing to particularly point out and distinctly claim the subject matter of the applicants' invention. The rejection should be withdrawn for the following reasons. Claim 24 has been amended to remedy any unclear claim elements. More particularly, the Examiner notes that it is unclear how a list is generated and how it is emailed to a first computer as recited in independent claim 23 and dependent claim 24. Claim 24 has been amended herein to recite *the list generated at the location remote from the shopping facility is communicated to the kiosk through an electronic communication means*. Thus, the subject claims make clear that the list is generated at a location remote from the shopping facility and the list is communicated to a kiosk *via* electronic communication means. As the subject claims clearly recite aspects of the invention as claimed, it is respectfully requested that the rejection be withdrawn.

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II. Rejection of Claims 40-42 Under 35 U.S.C. §112

Claims 40-42 stand rejected under 35 U.S.C. §112 for failing to particularly point out and distinctly claim the subject matter of the applicants' invention. The rejection should be withdrawn for at least the following reasons. Independent claim 40 and claims 41-42 have been amended to clarify any existing confusion regarding unclear claimed subject matter.

More particularly, amended independent claim 40 recites a messaging communication system that receives an electronic message generated by a customer, *the message comprises a shopping list of items to be purchased*, at least one kiosk that *provides* the shopping list of items to be purchased, the kiosk in communication with the messaging communication system such that the shopping list is *provided* based upon the message received from the customer. Amended dependent claim 41 recites the messaging communication system communicates the message in the form of e-mail such that the kiosk *provides* in a user recognizable format the list *based upon a customer e-mail message*. Thus, amended claims 40-41 clearly set forth that the electronic message comprises a shopping list and is received by a messaging communication system, the kiosk receives the message from a messaging communication system, and that the kiosk provides the shopping list based on the customer email message. As such, the amended claims make clear the subject matter of the invention as recited in the subject claims.

Additionally, claim 42 has been amended to recite a list of previously purchased items is communicated *via* an e-mail message from a computer local to the shopping facility to the kiosk, the list of previously purchased items is incorporated into the shopping list provided by the kiosk. Thus, the confusion relating to the utility of the list of previously purchased items is resolved. To elucidate, the list of previously purchased items is sent to the kiosk, where it is incorporated with the list from the customer message. Then, the kiosk provides the list to the customer. As claim 42 eliminates any pre-existing confusion relating to the scope of the subject invention, it is respectfully submitted that the rejection should be withdrawn.

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In view of at least the foregoing, it is readily apparent that the claims clearly state and distinctly claim the subject invention. Accordingly, the rejection should be withdrawn.


CONCLUSION

The subject application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,
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